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Attorneys for Plaintiff  
Systems America, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SYSTEMS AMERICA, INC., a Delaware  
Corporation,

Plaintiff,

v.

THE ST. PAUL TRAVELERS  
COMPANY, INC., a Minnesota  
Corporation, and ST. PAUL MERCURY  
INSURANCE COMPANY, a Minnesota  
Corporation,

Defendants.

No. C 05 02499 JF

STIPULATION AND [PROPOSED]  
ORDER FOR REVISED SCHEDULE  
FOR ST. PAUL'S MOTION FOR  
SUMMARY ADJUDICATION RE  
APPLICATION OF POLICY LIMITS

The parties stipulate to a continuance of the schedule set for hearing on St. Paul's Motion for Summary Adjudication Re: Application of Policy Limits filed on November 20, 2006, and currently pending before the Court. Since the filing of this motion, the parties have reached a settlement in principle and are working towards a final settlement agreement. In light of their settlement in principle and to avoid unnecessary expense and effort, the

1 parties request that the schedule for briefing on the pending motion be rescheduled as  
2 follows:

3 Opposition and any Cross-Motion to be filed: January 5, 2006

4 Reply to Motion/Opposition to Cross Motion to be filed: January 19, 2006

5 Reply Re: Cross-Motion to be filed: January 26, 2006

6 Hearing Date: February 9 at 9:00 a.m.

7 All other case dates will remain the same. The parties will immediately notify the  
8 Court and file a Stipulation for Dismissal pursuant to F.R.C.P. 41(a)(ii) upon completion of  
9 their settlement agreement.

10 DATED: Dec 12, 2006

11  
12 BULLIVANT HOUSER BAILEY PC

13 By Jess Millikan  
14 Jess B. Millikan *per email*  
15 Joye Blanscett *authorized*  
16 Attorneys for Defendants The St. Paul Travelers  
Company, Inc. and St. Paul Mercury Insurance  
Company

17 DATED: Dec 12, 2006

18 HELLER EHRMAN LLP

19  
20 By Angela Niemann  
21 Angela Niemann (admitted pro hac vice)  
22 Christopher Stoll  
23 Attorneys for Plaintiff Systems America, Inc.  
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**[PROPOSED] ORDER**

Based on the parties' representations above, and good cause appearing therefore, it is hereby ordered that the following schedule shall apply to St. Paul's Motion for Summary Adjudication Re Application of Policy Limits. All previously set deadlines are hereby vacated.


Opposition and any Cross-Motion to be filed: January 5, 2006

Reply to Motion/Opposition to Cross Motion to be filed: January 19, 2006

Reply Re: Cross-Motion to be filed: January 26, 2006

Hearing Date: February 9 at 9:00 a.m.

Dated: 12/18/06

  
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Hon. Jeremy Fogel  
United States District Court Judge

[SE 2190941 v1]